IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14282 of 2004

Between:

B. Surendra, S/o. B. Seshaiah,
Odur Village, Chellakur Mandal, Gudur Division, Nellore District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Gudur Division, Nellore District.
2 The Mandal Revenue Officer, Chillakur Mandal, Gudur Division, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in issuing Notification vide R.C.No. 2779/94, dated 13-7-2004 for granting fair price shop dealership on regular basis at Odur Village of Nellore District as illegal, arbitrary and violative of Principles of natural justice.

Counsel for the Petitioner:MS.P.SUMITRA

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

ORDER:

The petitioner states that he was appointed as Fair Price Shop Dealer of Odur Village, Chellakur Mandal, Gudur Division, Nellore District on temporary basis in the year 2000. It is stated that he has been continuing as authorized dealer for the past four years without any interruption. Now, the first respondent issued a notification dated 13.7.2004 inviting applications for appointment of a dealer for the said fair price shop on permanent basis. Aggrieved by the same, this writ petition is filed contending that since the petitioner has been functioning as a temporary dealer for the past four years, the first respondent ought to have considered his candidature for appointment on permanent basis instead of notifying the vacancy.

I am afraid that such a relief cannot be granted. Law is well settled that a temporary dealer cannot claim any right for appointment. It is always open to the petitioner to participate in pursuance of the impugned notification, in which event, the respondents will consider his candidature in accordance with law.

With the above observation, the writ petition is dismissed. No order as to costs.

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G. ROHINI, J.

13th August 2004

Tsr.

To

1 The Revenue Divisional Officer, Gudur Division, Nellore District.

2 The Mandal Revenue Officer, Chillakur Mandal, Gudur Division, Nellore District.

3 Two CCs to Government Pleader for Civil Supplies, High Court Buildings, Hyderabad. (OUT).

4 Two CD copies.